

EA34

THIRD NIGHT LEAD CDR

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Rby

18 FEB 1964

129 PCS

TO

749 PCS

EA34DS

URGENT

FOURTH NIGHT LEAD RUBY

BY ARTHUR EVERETT

ASSOCIATED PRESS WRITER

DALLAS, FEB. 18 (AP)-JACK RUBY'S LAWYERS TODAY LOST A SWEEPING MOVE TO BAR FROM HIS MURDER JURY ANYONE WHO WATCHED ON TELEVISION WHEN HE SHOT LEE HARVEY OSWALD. HOWEVER, THE FIRST FOUR PROSPECTIVE JURORS WERE EXCUSED FROM THE CASE ANYWAY.

TWICE THE STATE ACCEPTED CANDIDATES AS JURORS. THIS FORCED THE DEFENSE TO USE PEREMPTORY CHALLENGES TO BAR THEM, WITHOUT GIVING ANY REASONS.

THE OTHER TWO PROSPECTS WERE EXCUSED BY THE COURT--ONE BECAUSE HE HAD RESERVATIONS ABOUT THE DEATH PENALTY DEMANDED BY THE STATE, THE OTHER BECAUSE SHE HAD FORMED AN OPINION ON THE CASE.

THE ONE WITH THE OPINION WAS MRS. SHERRY LUNDBERG, 22, A WINSOME BRUNETTE BRIDE OF SIX MONTHS. HER DISMISSAL WAS FOLLOWED BY AN OVERNIGHT ADJOURNMENT OF THE TRIAL.

IN A FIERCE EXCHANGE OF ARGUMENT, THE DEFENSE TRIED TO FORCE OFF THE PANEL THE FIRST TWO JURY CANDIDATES, HILLIARD STONE, 35, AN ARTICULATE TECHNICAL ILLUSTRATOR FOR AN AEROSPACE PLANT, AND MRS. C. C. CHERRY, A 58-YEAR-OLD BRUNETTE HOUSEWIFE.

(MORE)

JJ545 PCS

EA36DS

URGENT

DALLAS--FIRST ADD FOURTH NIGHT LEAD RUBY (A34DS) X X X BRUNETTE HOUSEWIFE.

BOTH TESTIFIED THAT THEY, WITH THOUSANDS OF DALLAS RESIDENTS AND TELEVISION VIEWERS ACROSS THE NATION, WATCHED LAST NOV. 24 AS RUBY STEPPED FROM A CROWD AT DALLAS POLICE HEADQUARTERS AND GUNNED DOWN OSWALD, ACCUSED ASSASSIN OF PRESIDENT KENNEDY.

JUDGE JOE B. BROWN REFUSED TO ACCEPT THIS AS A REASON FOR DISMISSING THEM. THE DEFENSE HAD HOPED TO FURTHER ITS CLAIM THAT THE 52-YEAR-OLD RUBY CANNOT GET A FAIR TRIAL IN DALLAS.

THE SHOOTING WAS THE FIRST MURDER EVER SEEN "LIVE" ON TELEVISION.

EA74

TELEGRAPH EDITORS

DALLAS--FOURTH NL RUBY (A34DN) INSERT AFTER 8TH GRAF
BEGINNING "THE SHOOTING WAS"

OUTSIDE THE COURTROOM, THE CHIEF DEFENSE COUNSEL, MELVIN BELLI, SAID HE WOULD TRY AGAIN LATER TO GET THE COURT TO DISMISS ANY PROSPECTIVE JUROR WHO HAD WITNESSED THE KILLING ON TELEVISION. AND HE SAID HE WOULD RENEW DAILY A MOTION TO MOVE THE TRIAL TO ANOTHER CITY.

FINALLY, THE DEFENSE 9TH GRAF.

NN749PCS

FINALLY, THE DEFENSE EXERCISED TWO OF ITS 15 PEREMPTORY CHALLENGES TO GET RID OF STONE AND MRS. CHERRY. DEFENSE ATTORNEYS HAVE CALLED THESE CHALLENGES WORTH THEIR WEIGHT IN GOLD--ONCE THEY ARE USED UP RUBY'S LAWYERS NO LONGER CAN BLOCK JURY CANDIDATES WITHOUT A VALID REASON. THERE IS NO LIMIT ON THE NUMBER OF CHALLENGES FOR CAUSE, BUT THE JUDGE RULES ON WHETHER THE CAUSE IS ESTABLISHED.

A37DS

THE DAY'S OTHER JURY PROSPECT, J. E. SAUNDERS, 53, A TALL ADVERTISING SPECIALTY SALESMAN, WAS THE MAN WITH RESERVATIONS AGAINST CAPITAL PUNISHMENT, WHICH THE STATE HAS DEMANDED FOR RUBY. JUDGE BROWN DISMISSED HIM AFTER ONLY A FEW QUESTIONS.

THE TELEVISION QUESTION AROSE WITH STONE, THE FIRST PROSPECTIVE JUROR TO BE CALLED IN THE CASE.

"SEEING THE X X X 5TH GRAF ORIGINAL NIGHT LEAD A220DS.

JJ552PCS NM

EA3

AMS BUIIBXK

EA3DS

URGENT

THIRD NIGHT LEAD RUBY

BY ARTHUR EVERETT

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DALLAS, FEB. 18 (AP)-LAWYERS SET ABOUT THE VITAL JOB OF CHOOSING A JURY FOR JACK RUBY'S MURDER TRIAL TODAY--AND THE DEFENSE THREW OUT THE FIRST TWO PROSPECTS. THE JUDGE HAD RULED THAT CANDIDATES WERE NOT DISQUALIFIED BECAUSE THEY WATCHED ON TELEVISION AS RUBY SHOT LEE HARVEY OSWALD.

THE FIRST PROSPECTIVE JURORS, A MAN AND A WOMAN, WERE DISMISSED PEREMPTORILY BY THE DEFENSE--NO REASON NEEDED OR GIVEN. BOTH SAID HEY COULD VOTE FOR THE DEATH PENALTY.

THE MAN UNDERWENT ABOUT THREE HOURS OF INTENSIVE EXAMINATION, MOSTLY AT THE HANDS OF DEFENSE ATTORNEYS; THE WOMAN WAS ON THE STAND, MORE THAN TWO HOURS.

EMO

EA8DS

URGENT

DALLAS--FIRST ADD THIRD NIGHT LEAD RUBY (A3DS) XXX TWO HOURS.

A THIRD PROSPECTIVE JUROR, J. E. SAUNDERS, 53, AN ADVERTISING SPECIALTY SALESMAN, WAS EXCUSED FROM THE PANEL BY JUDGE BROWN AFTER HE SAID HE WOULD HAVE SOME HESITANCY IN VOTING FOR A DEATHPENALTY.

EACH SIDE HAS 15 PEREMPTORY CHALLENGES--THAT IS, A PROSPECTIVE JUROR CAN BE DISMISSED WITHOUT ANY STATED REASON. AFTER THESE ARE USED UP, BOTH STATE AND DEFENSE HAVE AN UNLIMITED NUMBER OF CHALLENGERS FOR CAUSE, BUT THE JUDGE RULES ON WHETHER THE CAUSE HAS BEEN ESTABLISHED THROUGH QUESTIONING OF THE PROSPECT.

THOUSANDS OF

CHALLENGES FOR CAUSE, BUT THE JUDGE RULES ON WHETHER THE CAUSE HAS BEEN ESTABLISHED THROUGH QUESTIONING OF THE PROSPECT.

THOUSANDS OF, ETC., 3RD GRAP A262DS AS BEFORE.

JJ422PCS NM

EA262DS

SECOND NIGHT LEAD RUBY (220)

BY ARTHUR EVERETT

ASSOCIATED PRESS WRITER

DALLAS, FEB. 18 (AP)-THE TEDIOUS CHORE OF PICKING JACK RUBY'S

MURDER TRIAL JURY GOT UNDERWAY TODAY. THE COURT RULED THAT CANDIDATES WERE NOT DISQUALIFIED BECAUSE THEY WATCHED ON TELEVISION AS HE SHOT LEE HARVEY OSWALD.

THE FIRST PROSPECTIVE JUROR, A MAN, WAS DISMISSED AFTER ABOUT THREE HOURS OF GRUELLING EXAMINATION, MOSTLY AT THE HANDS OF DEFENSE LAWYERS. HIS PLACE WAS TAKEN BY A WOMAN PROSPECT.

THOUSANDS OF DALLAS RESIDENTS AND OTHER TELEVISION OBSERVERS ACROSS THE NATION HAD FRONT ROW SEATS WHEN RUBY STEPPED FROM A CROWD AT POLICE HEADQUARTERS LAST NOV. 24 AND GUNNED DOWN PRESIDENT KENNEDY'S ACCUSED ASSASSIN.

THE DEFENSE SOUGHT IN ONE SWEEPING MOVE TO BAR ANY OF THESE VIEWERS FROM RUBY'S TRIAL PANEL AND THUS FURTHER THE CONTENTION THAT THE 52-YEAR-OLD DEFENDANT CANNOT GET AN IMPARTIAL TRIAL IN DALLAS. JUDGE JOE B. BROWN RULED OTHERWISE.

THE PROSPECTIVE JURY MEMBERS ADMITTED VIEWING TV FILMS OF THE SHOOTING. THEY ALSO SWORE THEY HAD NO SCRUPLES AGAINST CAPITAL PUNISHMENT, THE PENALTY THE STATE SEEKS TO ASSESS AGAINST RUBY.

THE FIRST PROSPECT, HILLIARD STONE, AN ARTICULATE, 35-YEAR-OLD ILLUSTRATOR FOR AN AEROSPACE FIRM, WAS ACCEPTABLE TO THE STATE. BUT HE WAS DISMISSED BY THE DEFENSE WITH A PEREMPTORY CHALLENGE, WHICH IS OFFERED WITHOUT ANY STATED REASON.

THE NEXT CANDIDATE WAS MRS. C. C. CHERRY, A 58-YEAR-OLD BRUNETTE HOUSEWIFE AND MOTHER OF TWO GROWN CHILDREN. HER HUSBAND IS A RAILROAD CLERK.

MRS. CHERRY FOLLOWED THE LEAD OF STONE IN ADMITTING THAT SHE WATCHED THE SHOOTING ON TELEVISION, BUT THAT SHE HAD NO FIXED OPINION ON THE CASE.

"SEEING THE X X X 5TH GRAF NIGHT LEAD A220DS.

JJ339PCS

EA220DS

AMS BUDGET

NIGHT LEAD RUBY (400)

BY ARTHUR EVERETT

ASSOCIATED PRESS WRITER

DALLAS, FEB. 18 (AP)-JUDGE JOE B. BROWN RULED TODAY THAT WATCHING
-:(4776 *2995)33 2-4;36 9*2-)8 9, 53)3;8*89, \$8\$,95 \$8*17-)8!6
PROSPECTIVE JUROR FROM SERVING AT HIS MURDER TRIAL.

THOUSANDS OF DALLAS RESIDENTS, LIKE TELEVISION VIEWERS EVERYWHERE,
SAW RUBY STEP FROM A CROWD AT POLICE HEADQUARTERS LAST NOV. 24 AND
GUN DOWN THE ACCUSED ASSASSIN OF PRESIDENT KENNEDY IN A BIZARRE CLIMAX
TO A WEEKEND OF HISTORIC TRAGEDY.

THE DEFENSE SOUGHT IN ONE OPENING SWOOP TO BAR ANY OF THESE PERSONS
FROM RUBY'S TRIAL PANEL, AND THUS FURTHER THE DEFENSE INSISTENCE THAT
THE 52-YEAR-OLD DEFENDANT CANNOT GET AN IMPARTIAL JURY IN DALLAS.

THE VERY FIRST PROSPECTIVE JUROR CALLED, HILLIARD STONE, AN
ARTICULATE 35-YEAR-OLD ILLUSTRATOR FOR AN AEROSPACE FIRM, SAID HE
WATCHED TV FILMS OF THE OSWALD SLAYING A FEW HOURS AFTER IT OCCURRED.

"SEEING THE RECONSTRUCTION ON TELEVISION IS JUST THE SAME AS BEING
THERE," DECLARED DEFENSE ATTORNEY MELVIN BELLI. HE ARGUED THAT AS A
WITNESS TO THE CRIME STONE SHOULD BE DISQUALIFIED AS A JUROR.

HOWEVER, THE STATE CONTENDED THAT "A WITNESS TO A DEATH IS NOT
DISQUALIFIED UNDER TEXAS LAW."

JUDGE BROWN SWUNG AROUND IN HIS HIGH LEATHER-BACKED CHAIR AND
DEMANDED OF STONE, IN REGARD TO WHAT HE SAW ON TELEVISION:

"CAN YOU PUT THAT OUT OF YOUR MIND AND ENTER THE JURY BOX WITH A
FREE AND OPEN MIND?"

"I THINK I COULD," REPLIED STONE, WITH A SLIGHT VERTICAL FURROW
OF HIS BROW.

BROWN ALLOWED HIM TO CONTINUE AS A PROSPECTIVE JUROR.

A221DS

STONE, A COMPACT, RED HAired MAN IN DARK SUIT AND WHITE SHIRT WITH BUTTONED DOWN COLLAR, TOOK THE WITNESS CHAIR AT THE OUTSET OF THE TRIAL'S SECOND DAY. HE WAS THE FIRST OF A BATCH OF 135 PROSPECTIVE JURYMEN TO BE CALLED.

QUESTIONING STARTED OFF QUIETLY ENOUGH BUT AS THE HOURS WORE ON EMPERS GREW SHORT, OBJECTIONS GREW HEATED AND FINALLY ASST. DIST. ATTY. A. D. JIM BOWIE CRIED IN AN ANGUISHED VOICE OF BELL:

"HE HAS DEFIED EVERY COURT RULING FOR THE LAST HOUR AND A HALF."

JUDGE BROWN REPEATEDLY TRIED TO COOL THINGS DOWN AND FINALLY DECLARED:

"LET'S DON'T LET THIS THING GET OUT OF HAND GENTLEMEN...SOMEBODY'S GOING TO HAVE TO RUN THIS COURT AND THAT'S GOING TO BE ME. LET'S HAVE NO TROUBLE."

DIST. ATTY. HENRY WADE OPENED THE EXAMINATION OF STONE AND LOST NO TIME PUTTING THE STATE'S CARDS ON THE TABLE, BLUNTLY. HE TOLD STONE AT THE OUTSET OF A TERSE 13 MINUTES OF EXAMINATION:

"WE WILL ASK YOU AND THE OTHER JURORS FOR A VERDICT OF DEATH."

STONE ASSURED THE PROSECUTOR THAT HE CONSIDERED THE DEATH PENALTY A GRAVE ONE, BUT THAT "IF I FELT CIRCUMSTANCES WARRANTED THE DEATH PENALTY, I WOULD VOTE FOR IT."

WADE POINTED OUT THAT IT ALSO WILL BE WITHIN THE POWER OF THE JURY TO CONVICT RUBY BUT RECOMMEND THAT HE BE TURNED LOOSE UNDER A SUSPENDED MINIMUM SENTENCE OF TWO YEARS.

THE DEFENSE IS PLEADING TEMPORARY INSANITY. WADE TOLD STONE IT IS UP TO THE DEFENSE TO PROVE THIS, JUST AS IT IS UP TO THE STATE TO PROVE GUILT.

"JACK RUBY HAS A PRESUMPTION THAT HE IS SANE AS HE SITS THERE NOW," WDDDED WADE, A SOLIDLY BUILT, RUGGEDLY HANDSOME GRAY-HAired MAN OF 50.

(MORE)

JJ118PCS NM

A224DS

DALLAS--FIRST ADD NIGHT LEAD RUBY (A220DS) X X X OF 50.

BELLI, A FAMOUS COURTROOM PERFORMER, GESTURED OCCASIONALLY WITH HIS HANDS AS HE STARTED OFF TO ELICIT STONE'S REACTION TO WHAT HE SAW ON TELEVISION AND READ IN NEWSPAPERS ABOUT OSWALD'S SLAYING.

RUBY, OPERATOR OF A DALLAS STRIP JOINT, QUIETLY FOLLOWED THE QUESTIONING. OCCASIONALLY, BELLI'S HUSKY FIGURE BLOCKED OUT THE DEFENDANT'S VIEW OF THE WITNESS STAND BUT RUBY MADE NO EFFORT TO PEER AROUND THE LAWYER.

BELLI TRIED TO INTRODUCE TWO FRONT PAGES OF THE TWO DALLAS DAILY NEWSPAPERS AND THAT BROUGHT BOWIE TO HIS FEET WITH THE FIRST OF WHAT WAS TO BECOME A TORRENT OF OBJECTIONS.

JUDGE BROWN REFUSED TO ALLOW STONE TO SEE THE NEWSPAPERS.

BELLI DECLARED AT ONE POINT THAT THE DEFENSE WILL NOT EVEN CONCEDE THAT RUBY SHOT OSWALD, DESPITE THE MANY WITNESSES TO THE SLAYING. HE DECLARED:

"WE ARE PLEADING HIM GUILTY TO NOTHING."

STONE, HIS LEGS CROSSED, HIS HANDS CLASPED IN HIS LAP, TURNED IN THE DIRECTION OF THE DEFENSE TABLE TO HIS RIGHT TO TELL BELLI HE HAD NO FEELINGS ON THE SUBJECT OF LEGAL INSANITY. NOR, HE ADDED, HAD HE ANY INGRAINED PREJUDICES AGAINST WHAT BELLI CALLED "A RATHER DARK SCIENCE"--THAT EXPLORED BY PSYCHIATRISTS AND PSYCHOLOGISTS, WHOSE TESTIMONY IS EXPECTED TO BE A KEY FACTOR IN RUBY'S TRIAL.

OBJECTIONS BY THE STATE BLOCKED BELLI'S ATTEMPT TO EXAMINE STONE ON WHAT PRESIDENT KENNEDY'S ASSASSINATION AND OSWALD'S SLAYING DID TO THE CIVIC IMAGE OF DALLAS. THE DEFENSE CONTENDS ANY JURORS FROM DALLAS WOULD BE PREJUDICED AGAINST RUBY FOR HIS PART IN LAST NOVEMBER'S BLOODY CYCLE OF MURDER.

A225DS,

"NOR WOULD THE COURT ALLOW BELLI TO EXPLORE AT ANY LENGTH RUMORS HAT HE SAID SWEPT DALLAS AFTER THE SLAYINGS--RUMORS THAT RUBY WAS A COMMUNIST OR THAT HE WAS IN LEAGUE WITH THE POLICE DEPARTMENT TO GET RID OF OSWALD.

"THERE WERE ALL KINDS OF RUMORS," STONE CONCEDED.

BELLI ASKED:

"DO YOU THINK MR. OSWALD WOULD HAVE GIVEN US INFORMATION HAD HE NOT BEEN SHOT...THAT IF OSWALD HAD NOT BEEN SILENCED HE COULD HAVE CLEARED UP THE MYSTERY ABOUT THE KILLING OF OUR PRESIDENT?"

AN OBJECTION PREVENTED AN ANSWER, AND ANOTHER BARRED STONE FROM GIVING HIS OPINION OF RUBY. HE WAS ALLOWED TO SAY HE HAD NO OPINION AS TO THE DEFENDANT'S MENTAL CAPACITY.

JJ129PCS NM